

FILED

AUG - 5 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

AUGUST 5, 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
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UNITED STATES OF AMERICA

v.

JAVIER GOMEZ,
and JOSE M. MELGAR

JUDGE MANNING

No. 08 CR 544

Violation: Title 21, United States

Code, Sections 841(a)(1) and 846;

Title 18, United States Code, Section

2

MAGISTRATE JUDGE COLE

COUNT ONE

The SPECIAL FEBRUARY 2008-1 GRAND JURY charges:

On or about July 9, 2008, at Chicago, in the Northern District of Illinois, Eastern Division,

1.

JAVIER GOMEZ,
and JOSE M. MELGAR,

defendants herein, did conspire with each other and with persons known and unknown to the Grand Jury knowingly and intentionally to possess with intent to distribute a controlled substance, namely, 5 kilograms or more of mixtures containing cocaine, a Schedule II Narcotic Drug Controlled Substance, in violation of 21 United States Code, Section 841(a)(1),

In violation of Title 21, United States Code, Section 846.

COUNT TWO

The SPECIAL FEBRUARY 2008-1 GRAND JURY further charges:

On or about July 9, 2008, at Chicago, in the Northern District of Illinois, Eastern
Division,

JAVIER GOMEZ,
and JOSE M. MELGAR,

defendants herein, did attempt knowingly and intentionally to possess with intent to distribute a
controlled substance, 5 kilograms or more of mixtures containing cocaine, a Schedule II
Narcotic Drug Controlled Substance, in violation of 21 United States Code, Section 841(a)(1);

In violation of 21 United States Code, Section 846, and 18 United States Code, Section 2.

FORFEITURE ALLEGATION

The SPECIAL FEBRUARY 2008-1 GRAND JURY further charges:

1. The allegations contained in this Indictment are realleged and incorporated herein by reference for the purpose of alleging forfeiture pursuant to Title 21, United States Code, Section 853.

2. As a result of their violations of Title 21, United States Code, Sections 841(a)(1) and 846, as alleged in the foregoing Indictment,

JAVIER GOMEZ and JOSE M. MELGAR,

defendants herein, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853(a)(1) and (2), the following property and interests:

i. All property constituting or derived from the proceeds the defendant obtained, directly or indirectly, as a result of their violations of Title 21, United States Code, Sections 841(a)(1), and 846, as charged in this Indictment.

ii. All property used or intended to be used in any manner or part to commit or facilitate the commission of the defendants' violations of Title 21, United States Code, Sections 841(a)(1), and 846, as charged in this Indictment.

3. The interests of the defendants subject to forfeiture pursuant to Title 21, United States Code, Section 853, include, but are not limited to, the following: \$68,895 in United States currency.

4. If any of the property subject to forfeiture and described above, as a result of any act or omission of the defendants:

- (a) Cannot be located upon the exercise of due diligence;
- (b) Has been transferred or sold to, or deposited with,

a third party;

- (c) Has been placed beyond the jurisdiction of the Court;
- (d) Has been substantially diminished in value; or
- (e) Has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p).

All pursuant to Title 21, United States Code, Section 853.

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY